

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

JOANN G.,

Plaintiff,

v.

No. 6:20-CV-073-H-BU

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

**ORDER ACCEPTING IN PART FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**


The plaintiff filed this appeal of the Commissioner of Social Security's denial of her claim for disability insurance benefits. Dkt. No. 1. Specifically, she seeks judicial review of the adverse hearing decision of the Administrative Law Judge (ALJ). *See* Dkt. 12-1 at 24–35. United States Magistrate Judge John R. Parker made Findings, Conclusions, and a Recommendation (FCR) in this case on December 13, 2021. *See* Dkt. No. 23. Judge Parker recommended that the Court reverse the ALJ's hearing decision and remand the case to the Commissioner of Social Security for further proceedings. *Id.* at 10.

Where no specific objections are filed within fourteen days, the Court reviews the Magistrate Judge's findings, conclusions, and recommendation only for plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1); *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). No objections to the FCR were filed.

The Court has examined the record and reviewed the FCR for plain error.
Excluding one clause in the "Recommendation" section (Dkt. No. 23 at 10, Part IV)

referring to ailments absent in this case, the Court finds no plain error in the FCR. Therefore, the Court accepts and adopts the FCR in part, rejecting only the FCR's reference to "panic attacks, agoraphobia, and Plaintiff's problems leaving the home." Dkt. No. 23 at 10. The Court reverses the ALJ's hearing decision and remands the case to the Commissioner of Social Security for further proceedings. On remand, the Commissioner need not consider any issues related to "panic attacks, agoraphobia, and Plaintiff's problems leaving the home." *Id.* Rather, the Commissioner should consider the findings and conclusions of the magistrate judge, including but not limited to "obesity's effect on Plaintiff's joints, spine, and other noted severe impairments." *Id.* at 9.

So ordered on January 12, 2022.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE